

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

MURPHY et al

Serial No. 09/600,398

Filed: July 17, 2000

Title: ANTIBIOTIC SENSITIVITY TESTING

Atty Dkt. 1498-151

C# M#

Group Art Unit: 1645

Examiner: Hines

Date: May 20, 2002

RECEIVED

MAY 22 2002

TECH CENTER 1600/2900

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

RESPONSE/AMENDMENT/LETTER

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

Fees are attached as calculated below:

Total effective claims after amendment	0	minus highest number		
previously paid for	20	(at least 20) =	0 x \$ 18.00	\$ 0.00

Independent claims after amendment	0	minus highest number		
previously paid for	3	(at least 3) =	0 x \$ 84.00	\$ 0.00

If proper multiple dependent claims now added for first time, add \$280.00 (ignore improper)	\$ 0.00
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Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s) (\$110.00/1 month; \$400.00/2 months; \$920.00/3 months)	\$ 400.00
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Terminal disclaimer enclosed, add \$ 110.00	\$ 0.00
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<input type="checkbox"/> First/second submission after Final Rejection pursuant to 37 CFR 1.129(a) (\$740.00)	\$ 0.00
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☐ Please enter the previously unentered, filed

☐ Submission attached

Subtotal \$ 400.00

If "small entity," then enter half (1/2) of subtotal and subtract	-\$ 0.00
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☐ Applicant claims "small entity" status. ☐ Statement filed herewith

Rule 56. Information Disclosure Statement Filing Fee (\$180.00)	\$ 0.00
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Assignment Recording Fee (\$40.00)	\$ 0.00
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Other:	0.00
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TOTAL FEE ENCLOSED \$ 400.00

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

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BJS:b

NIXON & VANDERHYE P.C.
By Atty: B. J. Sadoff, Reg. No. 36,663

Signature: _____

B. J. Sadoff



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For: ANTIBIOTIC SENSITIVITY TESTING

* * * * *

Monday, May 20, 2002

#8/B
JW
5/23/02

Honorable Assistant Commissioner of Patents
Washington, DC 20231

Sir:

AMENDMENT

Responsive to the Office Action dated December 20, 2002, entry and consideration of the following amendments and remarks are requested; the period for response having been extended up to and including May 20, 2002, by submission of the requisite petition and fee, attached.

IN THE CLAIMS:

Amend the claims as follows:

Cancel claim 36, without prejudice.

4. (Amended) A method for determining the susceptibility of a bacteria to a reagent, which method comprises the steps of:

- (i) assaying for adenylate kinase released by lysis of bacteria from a culture containing said reagent ;
- (ii) assaying for adenylate kinase released by lysis of bacteria from one or more of the following cultures:
 - a) the culture of step (i) but prior to the addition of said reagent

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